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Appeal Brief
Attorney Docket No. 120-202
Nortel Ref. 13711BA

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appellant(s): Jackson Examiner: Lazaro
Serial No. : 09/707,280 Group Art No. : 2155
Filed : November 6, 2000
Atty Docket : 120-202
Title : **System, Device and Method for Providing Personalized
Services in a Communication System**

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APPELLANT'S BRIEF PURSUANT TO 37 C.F.R. § 1.192

This Appellant's brief is hereby submitted in accordance with a Notice of Appeal
filed on November 23, 2005.

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I. Real Party in Interest

The real party in interest is Nortel Networks, Limited.

II. Related Appeals and Interferences

Appellants are not aware of any appeals or interferences that are related to the present case.

III. Status of the Claims

This is an appeal brief from a decision by the Primary Examiner dated August 23, 2005, finally rejecting the claims 1-68 and 71-75 currently pending in the present application. No claims have been allowed. The rejections of claims 1-68 and 71-75 are the subject of this appeal.

A notice of Appeal was filed on November 23, 2005.

IV. Status of Amendments

In the Amendment After Final filed on October 21, 2005 responsive to the Final Office Action dated August 23, 2005, claims 7, 12, and 45-68 were amended, and claims 69 and 70 were cancelled. These amendments have been entered by the Examiner, as indicated in the Advisory Action dated October 31, 2005. As indicated in the Advisory Action, the Examiner has withdrawn the previous objection to claims 7 and 12 based on informality, and has also withdrawn the previous rejection of claim 45 under 35 U.S.C. 101.

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V. Summary of Claimed Subject Matter

The subject matter of independent claims 1, 21, 45 and 71 sets forth respective method, apparatus, computer program product, and system for providing a personalized service in a communication system. The personalized service is provided in the independent claims 1, 21, 45 and 71 based on detecting the physical presence of a user, which is disclosed in lines 16-20 on page 3, lines 29-30 on page 12, lines 22-23 on page 13, lines 17-18 and 22-23 on page 14, lines 13-15 on page 27, lines 20-21 and 25-26 on page 33, and lines 15-21 on page 37 of the Specification, and illustrated by detector 450 in Figure 4, detector 560 in Figure 5, step 604 of Figure 6, and step 1704 of Figure 17. The detection of the physical presence of the user in the independent claims 1, 21, 45 and 71 includes a determination, based on at least one physical attribute of the user, that the user is currently in close physical proximity to the communication system, and examples of determining user physical presence through proximity detection are found in lines 28-30 on page 13, and at line 31 of page 32 through line 1 of page 33 in the Specification. Examples of personalized services provided by embodiments of the invention as in claims 1, 21, 45 and 71 are illustrated by step 606 of Figure 6, the steps of Figure 10, step 1104 of Figure 11, step 1204 of Figure 12, step 1304 of Figure 13, step 1510 of Figure 15, step 1706 of Figure 17, and are described by the text in lines 12-18 of page 12, the text from line 27 of page 12 through line 1 of page 13, the text from line 18 on page 15 to line 16 on page 27, the text in lines 19-29 of page 28, the text in lines 9-16 of page 29, the text in lines 4-20 on page

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30, the text in lines 7-24 on page 32, and the text from line 1 of page 34 through line 32 of page 37.

Example embodiments of the apparatus of independent claim 21, the system including a gateway of independent claim 71, and the appliance gateway in dependent claim 4, are also illustrated by the DAG 120 of Figures 1, 2, 3, 4 and 5, as well as by the example of DAG 120 shown in Figure 16, and further described in the associated text of the Specification from line 23 of page 30 to line 5 of page 32.

The subject matter of claims 2, 3, 22, 23, 46, 47 and 72 provides that the detecting of the physical presence of the user includes using a detector to detect the physical presence of the user. Examples of such embodiments are illustrated in Figure 4, which shows an integral detector 450 (claims 2, 22 and 46), and in Figure 5, which shows an external detector 560 (claims 3, 23, 47 and 72). The text in lines 17-20 on page 20 of the Specification further describes the illustrative embodiment of Figure 4, and the text in lines 22-27 further describes the illustrative embodiment of Figure 5.

The subject matter of claims 5, 24, 48 and 73 provides that the detecting of the physical presence of the user includes identifying the user, as in the Specification in lines 24-25 of page 3, at line 30 on page 13 through line 2 on page 14, lines 4-11 on page 14, lines 22-23 and 32 on page 27, lines 26-27 on page 37, and as shown by step 704 of Figure 7, step 804 of Figure 8, and step 1804 of Figure 18.

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The subject matter of claims 6, 25 and 49 provides that identification of the user includes identifying the user based upon biometric information, as described in the embodiments of lines 24-27 on page 13, line 31 on page 13 through line 15 on page 14, and line 28 on page 32 through 14 on page 33. Claims 7, 26, and 50 set forth that the personalized service is provided to the user based upon the identity of the user, as in the embodiments described on page 3 in lines 24-25, page 16 line 4 through page 21 line 20, page 22 line 27 through page 23 line 25, page 27 line 18 through line 17 on page 28, page 32 lines 7-23, page 34 line 1 through page 37 line 32, and as illustrated by step 706 of Figure 7, step 806 of Figure 8, step 908 of Figure 9, and step 1808 of Figure 18.

The subject matter of claims 8, 27, 51 and 74 sets forth that providing the personalized service to the user based on the identity of the user includes obtaining user-specific information based on the identity of the user, and further includes providing the personalized service to the user based on the user-specific information. Examples of such embodiments are found on page 15 lines 19-31, page 18 lines 5-10, lines 23-25 on page 27, lines 8-10 of page 28, lines 30-31 on page 29, lines 1-15 on page 34, lines 28-30 on page 37, and are illustrated by step 706 of Figure 7, step 906 of Figure 9, step 1406 of Figure 14, and step 1806 of Figure 18.

Claims 9, 28 and 52 set forth that the obtained user-specific information includes at least one of per-user rules, user-defined rules, user preferences, or user applications, as described at page 16 line 4 through page 17 line 4, and on page 34 in lines 4-9.

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Claims 10, 29, 53 and 75 set forth that obtaining user-specific information based upon the identity of the user includes at least one of retrieving the user-specific information from a local storage of an appliance gateway, retrieving the user-specific information from the device, retrieving the user-specific information from another device, or retrieving the user-specific information from a remote storage over a communication network. Examples of such embodiments are described on page 18 in lines 9-10, page 27 lines 24-25, page 28 lines 8-10, page 29 lines 30-31, page 34 lines 9-14, and on page 37 at line 28.

The subject matter of claims 11, 30 and 54 provides that obtaining user-specific information based on the identity of the user includes logically inferring some user-specific information from other user-specific information. This aspect of the invention is described at page 35 line 7 through line 14 page 37 of the Specification.

Claims 12, 31-36 and 55-60 are directed towards aspects of the invention in which providing the personalized service to the user based upon the identity of the user includes at least one of obtaining information for the user, anticipating needs of the user and providing those needs, updating user preference information, simplifying device control for the user, handling a user schedule, or providing reminders to the user. These aspects of the invention are described from line 23 on page 34 through line 14 of page 37.

The subject matter of claims 13, 37 and 61 sets forth that providing the personalized service to the user based upon the identity of the user includes establishing a personal area network for the user based upon the identity of the

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user, and providing the personalized service to the user within the personal area network. Examples of the limitations in these claims are disclosed in embodiments at line 30 on page 3 through line 2 of page 4, line 20 on page 12 through line 20 of page 13, page 15 lines 2-7, line 18 on page 15 through line 9 of page 16, line 5 on page 17 through page 27 line 8, line 29 on page 27 through line 17 on page 28, page 29 lines 3-4, 12-13 and 21-22, and are illustrated by the PAN 330 of Figure 3, step 806 of Figure 8, step 1004 in Figure 10, step 1104 of Figure 11, step 1204 in Figure 12, and step 1304 in Figure 13.

Claims 14, 38 and 62 are addressed to providing the personalized service to the user within the personal area network by providing information to the user within the personal area network. This feature is disclosed at page 26 lines 18 through line 7 on page 27.

Claims 15, 39 and 63 set forth that providing the personalized service to the user within the personal area network includes monitoring a supported device within the personal area network. This feature is disclosed on page 34 at lines 27-31, and on page 35 at lines 30-31.

Claims 16, 40 and 64 set forth that providing the personalized service to the user within the personal area network includes monitoring the user within the personal area network. This feature is disclosed on page 24 lines 23-29, from line 18 of page 29 to line 2 of page 30, and illustrated by Figures 13 and 14.

The subject matter of claims 17, 41 and 65 is directed towards providing the personalized service to the user within the personal area network by maintaining a schedule for the user and providing a reminder to the user within

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the personal area network. Examples of these features are found at page 34 line 22 through page 35 line 5, and at page 36 line 20 through line 14 on page 37.

Claims 18, 42 and 66 are directed towards providing the personalized service to the user within the personal area network by retrieving information for the user over a communication network (110, Figure 1 and Figure 3). This subject matter is described at lines 18-31 of page 15.

Claims 19, 43 and 67 include providing the personalized service to the user within the personal area network by determining a user preference for a supported device. This subject matter is disclosed at line 18 on page 15 through line 31 page 15, page 18 line 5 through page 23 line 11.

The subject matter of claims 20, 44 and 68 is directed towards providing the personalized service to the user within the personal area network further by updating user preference information to include the user preference for the supported device. This subject matter is disclosed at page 34 lines 23-27.

VI. Grounds of Rejection to be Reviewed on Appeal

- A. Claims 1-5, 7-16, 18-24, 26-35, 37-40, 42-48, 50-59, 61-64, and 66-75 stand rejected as anticipated under 35 U.S.C. 102(e) by U.S. Patent 6,331,972 to Harris et al. ("Harris et al.").
- B. Dependent claims 6, 25 and 49 stand rejected as obvious under 35 U.S.C. 103 over Harris et al. and U.S. patent number 6,104,913 of McAllister ("McAllister").

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- C. Dependent claims 17, 36, 41, 60 and 65 stand rejected as obvious under 35 U.S.C. 103 over Harris et al. and U.S. patent number 5,493,692 of Theimer et al. ("Theimer et al.").

VII. Argument

- A. Harris et al. does not disclose all the features of the present independent claims 1, 21, 45 and 71. Harris et al. accordingly does not anticipate the present independent claims 1, 21, 45 and 71 under 35 U.S.C. 102. The dependent claims 2-5, 7-16, 18-20, 22-24, 26-35, 37-40, 42-44, 46-48, 50-59, 61-64, and 66-69, and 72-75 are patentable over Harris et al. for at least the same reasons.

It is well established that "[a]nticipation requires the disclosure in a single prior art reference of each element of the claim under consideration." *W.L. Gore & Associates, Inc. v. Garlock, Inc.*, 721 F.2d 1540, 220 USPQ 303 (Fed. Cir. 1983), *cert. denied*, 469 U.S. 851 (1984). Appellants assert that the rejection of claims 1-5, 7-16, 18-24, 26-35, 37-40, 42-48, 50-59, 61-64, and 66-75 under 35 U.S.C. 102 fails to meet this requirement, since Harris et al. does not include the claimed limitation of detecting physical presence of a user, wherein the detecting includes a determination, based on at least one physical attribute of the user, that the user is currently in close physical proximity to the communication system, as in each of the independent claims 1, 21, 45 and 71. The peer electronic devices in the communication network of Harris et al. are not users, and the determination of

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proximity based on detecting a signal on a wireless link in Harris et al. is not a determination of proximity based on at least one physical attribute of a user.

Harris et al., U.S. Patent 6,331,972:

Harris et al. disclose a system for personalizing an electronic device through a personal area network (Abstract, line 1). Figure 1 of Harris et al. shows a data communication network of "peers" 20 that are electronic devices, described as follows in lines 11-20 of column 6:

FIG. 1 is a layout diagram depicting relationships between various peers (P) 20 in capability addressable, wireless, peer-to-peer data communication network 22 configured in accordance with the teaching of the present invention. While FIG. 1 shows only few peers 20, *virtually any computer or microprocessor controlled electronic device throughout the world may serve as a peer 20*. Accordingly, network 22 supports an unlimited number of possible connections between peers 20. (emphasis added)

Harris et al. goes on to teach that each of the peer devices 20 shown in Figure 1 may establish a personal area network if it is compatible with another peer device in the communication network 22, and that two of the peer devices 20 must be in physical proximity in order for a communication link to be established so that needs and capabilities of the peer devices can be exchanged. At lines 21-45 of column 6, Harris et al. states as follows in this regard:

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Each peer or communication node 20 of communications network 22 may establish a personal area network. For example, a first and a second of nodes 20 first find or determine that each other is a compatible node. Then, as a result of self-initiated processes, first and second nodes 20 form the personal area network. First and second nodes 20 must detect that they are in a particular proximity to one another and if so a communication link is established. This link may be accomplished by known RF, IR, optical or acoustic techniques or by conduction through a living body. When a link is established, first and second nodes 20 exchange what their needs and capabilities are.

As shown in step 62 of Figure 6, Harris et al. describes a task that initiates a setup connection by broadcasting a need/capability message (64 in Figure 7 of Harris et al.) including an ID (66 in Figure 7 of Harris et al.) of a peer system broadcasting the message, an authorization key (68 in Figure 7 of Harris et al.), a needs specification (70 in Figure 7 of Harris et al.), a capability specification (72 in Figure 7 of Harris et al.), and potentially other data elements. The Harris et al. needs specification is described as a list of network needs currently experienced by the broadcasting peer. The Harris et al. capability specification is described as a list of network capabilities which the broadcasting peer may provide to other peers of the network. Harris et al. further teach that the needs specification may be determined by consulting a need table (74 in Figure 8 of Harris et al.), through which data codes may be associated with a variety of network service needs which a service-requesting peer may experience, and that one exemplary need is that of appliance personalization, in which a PDA might need to personalize nearby appliances. To satisfy this need, some Harris et al. devices may be programmed with personalization data. See column 9 line 52 through column 10 line 16 of Harris et al.

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Claims 1-5, 7-16, 18-24, 26-35, 37-40, 42-48, 50-59, 61-64, and 66-75:

Each of the present independent claims 1, 21, 45 and 71 include the limitation of detecting physical presence of a user, wherein the detecting includes a determination, based on at least one physical attribute of the user, that the user is currently in close physical proximity to the communication system. Appellants respectfully submit that Harris et al. lacks any disclosure or suggestion of such a feature, and that Harris et al. instead teaches detecting the physical proximity of electronic devices to each other based on detection of a signal on a wireless communication link. Harris et al. expressly discloses determination of device proximity beginning at line 11 of column 9:

Generally, task 58 allows a first *peer* 20 to determine whether a second *peer* 20 is physically proximate to the first peer 20. Task 58 causes transmit and receive section 38 (FIG. 2) to *monitor wireless communication link* 26 (FIG. 1) to determine whether a signal compatible with a protocol being used by network 22 (FIG. 1) can be received. Due to the above-described low transmission power levels used by peers 20, *when a signal is detected, the peer 20 sending the signal is located near the receiving peer 20.* (emphasis added)

As shown in the above text, the proximity of a peer network device is determined in Harris et al. by detection of a signal transmitted on a wireless communication link by that peer. The "peers" or "nodes" of Harris et al. are clearly described as electronic devices in a communication network. As noted above, at the outset of the Detailed Description, Harris et al. defines "peers" at

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line 16 of column 6, as "*virtually any computer or microprocessor controlled electronic device throughout the world may serve as a peer* 20." These teachings of Harris et al. stand in sharp contrast to the features of the present independent claims, which involve a detecting of the physical presence of *a user* that includes determining that *the user is currently in close physical proximity to the communication system, based on at least one physical attribute of the user*. The peer electronic devices in the communication network of Harris et al. are clearly not *users*, as that term would be understood by those skilled in the art.

Additionally, the detection of a signal transmitted onto the wireless communication link by the peer electronic devices in Harris et al. cannot be considered a determination based on a physical attribute of a user, since the determination in Harris et al. is based on the presence or absence of the signal on the link. Accordingly, the peer devices in Harris et al. do not correspond to the user of the present independent claims, and the determination of device proximity based on detecting the presence of a wireless signal in Harris et al. is completely different from the *determination of user proximity to the communication system based on a physical attribute of the user*, as in the present independent claims.

Appellants disagree with the Examiner's assertion that lines 2-45 of column 6 in Harris et al. describe the above features of the present claims, since that section is another example of the teaching in Harris et al. of establishing a communication link between two electronic devices as a result of their determined proximity to each other. With regard to lines 4-8 in column 21 of Harris et al., the teaching of "storing or broadcasting an identifier or indicator of the person's

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presence or location" by a peer electronic device provides no indication of any determination, based on at least one physical attribute of the user, that the user is currently in close physical proximity to a communication system. The text of Harris et al. in column 8, lines 10-12 refers to changing stored personalization data of a user or owner of a peer device, and also lacks any disclosure of a determination, based on at least one physical attribute of the user, that the user is currently in close proximity to a communication system. Appellants reiterate that the teaching of Harris et al. with regard to determining proximity is that of determining proximity between network devices, which is performed for the purpose of establishing a personal area network of peer devices, and is based on detecting the presence or absence of a signal transmitted by a device on a wireless communication link.

The Examiner further cites column 4, lines 10-15 in Harris et al., but this section only sets forth the desirability of automatic device configuration, without a specific teaching of how to accomplish the desired result. Lines 7-16 of column 10 in Harris et al. describe personalization of appliances as an advantage flowing from the operation of the Harris et al. system. However, these advantages are accomplished in Harris et al. through a system of peer device proximity determination, which is fundamentally different from *detecting the physical presence of a user, wherein the detecting includes a determination, based on at least one physical attribute of the user, that the user is currently in close physical proximity to the communication system*, as in the present independent claims 1, 21, 45 and 71. As claims 2-5, 7-16, 18-20, 22-24, 26-35, 37-40, 42-44, 46-48,

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50-59, 61-64, 66-68 and 72-75 each depend from the independent claims 1, 21, 45 and 71, they are patentable over Harris et al. for at least the same reasons. Claims 69 and 70 have been cancelled.

B. The Examiner has failed to establish a *prima facie* case of obviousness under 35 U.S.C. §103(a) in the rejection of dependent claims 6, 25 and 49 using the combination of Harris et al. and U.S. patent number 6,104,913 of McAllister ("McAllister").

To establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. *In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974). "All words in a claim must be considered in judging the patentability of that claim against the prior art." *In re Wilson*, 424 F.2d 1382, 1385, 165 USPQ 494, 496 (CCPA 1970). Appellants assert that the combination of Harris et al. with McAllister fails to disclose or suggest the claimed limitation of detecting physical presence of a user, wherein the detecting includes a determination, based on at least one physical attribute of the user, that the user is currently in close physical proximity to the communication system, as in each of the independent claims 1, 21, 45, from which claims 6, 25 and 49 depend. If an independent claim is nonobvious under 35 U.S.C. 103, then any claim depending therefrom is nonobvious. *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988). Accordingly, based on the nonobviousness of claims 1, 21, and 45 over the combination of Harris et al. and McAllister, Appellants assert

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that the claims 6, 25 and 49 are also nonobvious over the combination of Harris et al. and McAllister.

McAllister, U.S. Patent number 6,104,913

McAllister discloses a personal area network (PAN) device that enables communication of data using galvanic properties of the skin. When a person wearing a processor coupled to a McAllister PAN touches a sensor capable of communicating with the PAN, the processor sends and receives data through the PAN and the sensor. In the McAllister system, the processor stores personal information related to the wearer's telephone service, such as the person's identification and billing information, as well as information relating to the person's telephone subscriber profile, defining that person's individualized telephone services. A telephone of McAllister communicates the data through the telephone network, to enable the network to provide personalized services. See Abstract. The McAllister system is intended to eliminate any question as to whether or not a caller or user with an authentic PAN device is the rightful or authorized possessor of that device, and further provides multiple arrangements whereby PAN devices enable new personalized and other advanced telecommunication services. See column 5, lines 54-67 and column 6, lines 1-13 and 55-60. Additionally, McAllister describes responding to service requests by identifying the individual subscriber or user, preferably using a speaker identification/verification procedure, or other biometric characteristics of the user, such as finger or hand prints may be used.

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Claims 6, 25 and 49:

As set forth above with regard to the rejections under 35 U.S.C. 102, Harris et al. does not disclose or suggest the limitation of detecting physical presence of a user, wherein the detecting includes a determination, based on at least one physical attribute of the user, that the user is currently in close physical proximity to the communication system, as in each of the independent claims 1, 21, 45, from which claims 6, 25 and 49 depend. McAllister also fails to disclose or suggest any such feature or limitation, and the combination of McAllister with Harris et al. therefore fails to overcome the inadequacies of Harris et al. described at length above.

The Examiner has cited sections of McAllister describing communication of data using galvanic properties of the skin (Abstract), speaker identification using biometric characteristics such as finger or hand prints (column 8 line 62 through column 9 line 3), and authentication (columns 5 and 6), but, like Harris et al., these sections also include no suggestion of detecting the physical presence of a user, wherein the detecting includes a determination, based on at least one physical attribute of the user, that the user is currently in close physical proximity to the communication system, as in each of the independent claims 1, 21, 45, from which claims 6, 25 and 49 depend.

For at least these reasons, the Examiner has not established a *prima facie* case of obviousness under 35 U.S.C. 103 with regard to claims 6, 25 and 49, over the combination Harris et al. and McAllister.

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C. The Examiner has failed to establish a *prima facie* case of obviousness under 35 U.S.C. §103(a) in the rejection of dependent claims 17, 36, 41, 60 and 65 using the combination of Harris et al. and U.S. patent number 5,493,692 of Theimer et al. ("Theimer et al.").

Appellants assert that the combination of Harris et al. with Theimer et al. fails to disclose or suggest the claimed limitation of detecting physical presence of a user, wherein the detecting includes a determination, based on at least one physical attribute of the user, that the user is currently in close physical proximity to the communication system, as in each of the independent claims 1, 21, 45, from which claims 17, 36, 41, 60 and 65 depend. Accordingly, based on the nonobviousness of claims 1, 21, and 45 over the combination of Harris et al. and Theimer et al., Appellants assert that the claims 17, 36, 41, 60 and 65 are also nonobvious over the combination of Harris et al. and Theimer et al.

Theimer et al., U.S. Patent number 5,493,692

Theimer et al. discloses a method for selectively delivering electronic messages to an identified user or users in a system of mobile and fixed devices based on the context of the system and the environment of an identified user. Theimer et al. specifically discloses a system in which a User Agent starts up by locating and reading the User Profile and user calendar information of an identified user. The user's calendar information resides at a location in a file

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system known to the Theimer et al. User Agent, and may include a wide variety of user-specific information, including but not limited to meetings that are scheduled, and reminder notes that the user wishes to have delivered under various circumstances depending upon time, location, or context of the user. See column 10, lines 28-38. Theimer et al. discloses an example of the application of selective electronic message delivery, in which user.sub.A 's reminder request may specify attributes affecting the delivery of the message, such as that user.sub.A may not wish to have the reminder sent if there are other people present in proximity to his display device, or that user.sub.A may wish to be reminded immediately if he is in proximity to user.sub.B within a half hour of the scheduled meeting, that he may not want the message delivered until he is alone with user.sub.B, etc.

Claims 17, 36, 41, 60 and 65:

As set forth above with regard to the rejections under 35 U.S.C. 102, Harris et al. does not disclose or suggest the limitation of detecting physical presence of a user, wherein the detecting includes a determination, based on at least one physical attribute of the user, that the user is currently in close physical proximity to the communication system, as in each of the independent claims 1, 21, 45, from which claims 17, 36, 41, 60 and 65 depend. Theimer et al. also fails to disclose or suggest any such feature or limitation, and the combination of Theimer et al. with Harris et al. therefore fails to overcome the inadequacies of Harris et al. described at length above.

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The Examiner has cited sections of Theimer et al. describing the desirability of reminders (column 3, lines 22-28), a user agent for processing events and a user calendar information including reminder notes (column 10, lines 28-38), and conditional reminder messages sent based on time and proximity between a first user and specified other users (column 24, lines 8-31), but, like Harris et al., these sections also include no suggestion of detecting the physical presence of a user, wherein the detecting includes a determination, based on at least one physical attribute of the user, that the user is currently in close physical proximity to the communication system, as in each of the independent claims 1, 21, 45, from which claims 17, 36, 41, 60 and 65 depend.

For at least these reasons, the Examiner has not established a *prima facie* case of obviousness under 35 U.S.C. 103 with regard to claims 17, 36, 41, 60 and 65, over the combination Theimer et al. and Harris et al.

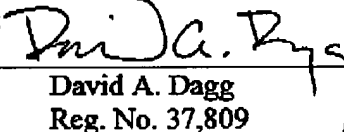
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VIII. Conclusion

Appellants submit therefore that the rejections of the present claims under 35 U.S.C. 102 and 103, based on Harris et al., the combination of Harris et al. and McAllister, and the combination of Harris et al. and Theimer et al., are improper for at least the reasons set forth above. Appellants accordingly request that the rejections be withdrawn and the case put forward for allowance.

Respectfully submitted,

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Appendix A - Claims

1. (previously presented) A method for providing a personalized service in a communication system, the method comprising:

detecting physical presence of a user, wherein the detecting includes a determination, based on at least one physical attribute of the user, that the user is currently in close physical proximity to the communication system; and

providing the personalized service to the user based upon the physical presence of the user.

2. (original) The method of claim 1, wherein detecting the physical presence of the user comprises:

using a detector to detect the physical presence of the user.

3. (original) The method of claim 1, wherein detecting the physical presence of the user comprises:

using a detector in combination with an appliance gateway to detect the physical presence of the user.

4. (original) The method of claim 1, wherein providing the personalized service to the user based upon the physical presence of the user comprises:

using an appliance gateway to provide the personalized service to the user based upon the physical presence of the user.

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5. (original) The method of claim 1, wherein detecting physical presence of the user comprises:

identifying the user.

6. (previously presented) The method of claim 5, wherein identifying the user comprises:
identifying the user based upon biometric information.

7. (previously presented) The method of claim 5, wherein providing the personalized service to the user based upon the physical presence of the user comprises:
providing the personalized service to the user based upon the identity of the user.

8. (original) The method of claim 7, wherein providing the personalized service to the user based upon the identity of the user comprises:
obtaining user-specific information based upon the identity of the user; and
providing the personalized service to the user based upon the user-specific information.

9. (original) The method of claim 8, wherein the user-specific information comprises at least one of:

per-user rules;
user-defined rules;
user preferences; and

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user applications.

10. (original) The method of claim 8, wherein obtaining user-specific information based upon the identity of the user comprises at least one of:

retrieving the user-specific information from a local storage of an appliance gateway;

retrieving the user-specific information from the device;

retrieving the user-specific information from another device; and retrieving the user-specific information from a remote storage over a communication network.

11. (original) The method of claim 8, wherein obtaining user-specific information based upon the identity of the user comprises:

logically inferring some user-specific information from other user-specific information.

12. (previously presented) The method of claim 7, wherein providing the personalized service to the user based upon the identity of the user comprises at least one of:

obtaining information for the user;

anticipating needs of the user and providing said needs;

updating user preference information;

simplifying device control for the user;

handling a user schedule; and

providing reminders to the user.

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13. (original) The method of claim 7, wherein providing the personalized service to the user based upon the identity of the user comprises:

establishing a personal area network for the user based upon the identity of the user; and

providing the personalized service to the user within the personal area network.

14. (original) The method of claim 13, wherein providing the personalized service to the user within the personal area network comprises:

providing information to the user within the personal area network.

15. (original) The method of claim 13, wherein providing the personalized service to the user within the personal area network comprises:

monitoring a supported device within the personal area network.

16. (original) The method of claim 13, wherein providing the personalized service to the user within the personal area network comprises:

monitoring the user within the personal area network.

17. (original) The method of claim 13, wherein providing the personalized service to the user within the personal area network comprises:

maintaining a schedule for the user; and

providing a reminder to the user within the personal area network.

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18. (original) The method of claim 13 wherein providing the personalized service to the user within the personal area network comprises:

retrieving information for the user over a communication network.

19. (original) The method of claim 13, wherein providing the personalized service to the user within the personal area network comprises:

determining a user preference for a supported device.

20. (original) The method of claim 19, wherein providing the personalized service to the user within the personal area network further comprises:

updating user preference information to include the user preference for the supported device.

21. (previously presented) An apparatus comprising:

user detection logic operably coupled to detect physical presence of a user, wherein the user detection logic detects that the user is currently in close physical proximity to the communication system based on detection of at least one physical attribute of the user; and

personal agent logic responsive to the user detection logic and operably coupled to provide personalized services to the user based upon the physical presence of the user.

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22. (original) The apparatus of claim 21, wherein the user detection logic comprises a detector for detecting the physical presence of the user.
23. (original) The apparatus of claim 21, wherein the user detection logic is coupled to a detector for detecting the physical presence of the user.
24. (original) The apparatus of claim 21, wherein the user detection logic is operably coupled to identify the user.
25. (previously presented) The apparatus of claim 24, wherein the user detection logic is operably coupled to identify the user based upon biometric information.
26. (original) The apparatus of claim 24, wherein the personal agent logic is operably coupled to provide the personalized service to the user based upon the identity of the user.
27. (original) The apparatus of claim 26, wherein the personal agent logic is operably coupled to obtain user-specific information based upon the identity of the user and provide the personalized service to the user based upon the user-specific information.
28. (original) The apparatus of claim 27, wherein the user-specific information comprises at least one of:

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per-user rules;
user-defined rules;
user preferences; and
user applications.

29. (original) The apparatus of claim 27, wherein the personal agent logic is operably coupled to retrieve the user-specific information from at least one of:

a local storage;
a supported device; and
a remote storage over a communication network.

30. (original) The apparatus of claim 27, wherein the personal agent logic is operably coupled to logically infer some user-specific information from other user-specific information.

31. (original) The apparatus of claim 26, wherein the personal agent logic is operably coupled to obtain information for the user.

32. (previously presented) The apparatus of claim 26, wherein the personal agent logic is operably coupled to anticipate needs of the user.

33. (original) The apparatus of claim 26, wherein the personal agent logic is operably coupled to update user preference information.

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34. (original) The apparatus of claim 26, wherein the personal agent logic is operably coupled to simplify device control for the user.

35. (original) The apparatus of claim 26, wherein the personal agent logic is operably coupled to handle a user schedule.

36. (original) The apparatus of claim 26, wherein the personal agent logic is operably coupled to provide reminders to the user.

37. (original) The apparatus of claim 26, wherein the personal agent logic is operably coupled to establish a personal area network for the user based upon the identity of the user and provide the personalized service to the user within the personal area network.

38. (original) The apparatus of claim 37, wherein the personal agent logic is operably coupled to provide information to the user within the personal area network.

39. (original) The apparatus of claim 37, wherein the personal agent logic is operably coupled to monitor a supported device within the personal area network.

40. (original) The apparatus of claim 37, wherein the personal agent logic is operably coupled to monitor the user within the personal area network.

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41. (original) The apparatus of claim 37, wherein the personal agent logic is operably coupled to maintain a schedule for the user and provide a reminder to the user within the personal area network.

42. (original) The apparatus of claim 37, wherein the personal agent logic is operably coupled to retrieve information for the user over a communication network.

43. (original) The apparatus of claim 37, wherein the personal agent logic is operably coupled to determine a user preference for a supported device.

44. (original) The apparatus of claim 43, wherein the personal agent logic is operably coupled to update user preference information to include the user preference for the supported device.

45. (previously presented) A computer program product including a computer readable medium, the computer readable medium having a computer program stored thereon for controlling a computer system, the computer program comprising:

user detection logic programmed to detect physical presence of a user, wherein the user detection logic detects that the user is currently in close physical proximity to the computer system based on detection of at least one physical attribute of the user;
and

personal agent logic responsive to the user detection logic and programmed to provide personalized services to the user based upon the physical presence of the user.

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46. (previously presented) The computer program product of claim 45, wherein the user detection logic comprises a detector for detecting the physical presence of the user.

47. (previously presented) The computer program product of claim 45, wherein the user detection logic is coupled to a detector for detecting the physical presence of the user.

48. (previously presented) The computer program product of claim 45, wherein the user detection logic is programmed to identify the user.

49. (previously presented) The computer program product of claim 48, wherein the user detection logic is programmed to identify the user based upon
biometric information.

50. (previously presented) The computer program product of claim 48, wherein the personal agent logic is programmed to provide the personalized service to the user based upon the identity of the user.

51. (previously presented) The computer program product of claim 50, wherein the personal agent logic is programmed to obtain user-specific information based upon the identity of the user and provide the personalized service to the user based upon the user-specific information.

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52. (previously presented) The computer program product of claim 51, wherein the user-specific information comprises at least one of:

- per-user rules;
- user-defined rules;
- user preferences; and
- user applications.

53. (previously presented) The computer program product of claim 51, wherein the personal agent logic is programmed to retrieve the user-specific information from at least one of:

- a local storage;
- a supported device; and
- a remote storage over a communication network.

54. (previously presented) The computer program product of claim 51, wherein the personal agent logic is programmed to logically infer some user-specific information from other user-specific information.

55. (previously presented) The computer program product of claim 50, wherein the personal agent logic is programmed to obtain information for the user.

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56. (previously presented) The computer program product of claim 50,, wherein the personal agent logic is programmed to anticipate needs of the user and provide said needs.

57. (previously presented) The computer program product of claim 50, wherein the personal agent logic is programmed to update user preference information.

58. (previously presented) The computer program product of claim 50, wherein the personal agent logic is programmed to simplify device control for the user.

59. (previously presented) The computer program product of claim 50, wherein the personal agent logic is programmed to handle a user schedule.

60. (previously presented) The computer program product of claim 50, wherein the personal agent logic is programmed to provide reminders to the user.

61. (previously presented) The computer program product of claim 50, wherein the personal agent logic is programmed to establish a personal area network for the user based upon the identity of the user and provide the personalized service to the user within the personal area network.

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62. (previously presented) The computer program product of claim 61, wherein the personal agent logic is programmed to provide information to the user within the personal area network.

63. (previously presented) The computer program product of claim 61, wherein the personal agent logic is programmed to monitor a supported device within the personal area network.

64. (previously presented) The computer program product of claim 61, wherein the personal agent logic is programmed to monitor the user within the personal area network.

65. (previously presented) The computer program product of claim 61, wherein the personal agent logic is programmed to maintain a schedule for the user and provide a reminder to the user within the personal area network.

66. (previously presented) The computer program product of claim 61, wherein the personal agent logic is programmed to retrieve information for the user over a communication network.

67. (previously presented) The computer program product of claim 61, wherein the personal agent logic is programmed to determine a user preference for a supported device.

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68. (previously presented) The computer program product of claim 67, wherein the personal agent logic is programmed to update user preference information to include the user preference for the supported device.

69. (cancelled)

70. (cancelled)

71. (previously presented) A system for providing personalized services, the system comprising a gateway operably coupled to detect physical presence of a user and provide personalized services to the user based upon the physical presence of the user, wherein the gateway detects that the user is currently in close physical proximity to the gateway based on detection of at least one physical attribute of the user.

72. (original) The system of claim 71, further comprising a physical presence detector in communication with the gateway for providing physical presence information to the gateway.

73. (original) The system of claim 71, wherein the gateway is operably coupled to determine an identity of the user based upon the physical presence of the user and provide the personalized services to the user based upon the identity of the user.

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74. (original) The system of claim 71, wherein the gateway is operably coupled to obtain user-specific information and provide the personalized services to the user based upon the user-specific information.

75. (original) The system of claim 74, wherein the gateway is operably coupled to obtain the user-specific information from at least one of:

- a local storage of the computer system;
- a supported device of the computer system; and
- a remote storage over a communication network.

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Appendix B - Evidence Submitted

None.

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Appendix C - Related Proceedings

None.